

// A regular meeting of the Council of the City of Lynchburg was held on the 11th day of November, 2003, at 7:30 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Council Member Foster gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Adams, Dodson, Foster, Garber, Hutcherson 5

Absent: Barksdale, Seiffert 2

// Copies of the minutes of the October 28, 2003 (two) meetings, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Adams, seconded by Council Member Foster, Council by the following recorded vote approved the minutes as presented:

Ayes: Adams, Dodson, Foster, Garber, Hutcherson 5

Noes: 0

Absent: Barksdale, Seiffert 2

// In the matter of Treasurer, City Council Report #2 was considered. On motion of Council Member Adams, seconded by Council Member Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-178, as presented, appropriating \$3,152 for over payment to the City by the State Treasurer's Office of the City's share of the Sheriff Department fees:

Ayes: Adams, Dodson, Foster, Garber, Hutcherson 5

Noes: 0

Absent: Barksdale, Seiffert 2

// In the matter of Commissioner of the Revenue, City Council Report #3 was considered. On motion of Council Member Adams, seconded by Council Member Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-179, as presented, appropriating \$9,013 to refund overpayment of business license taxes for 2001 and 2002 to Hill City Wholesale Company, Inc., with \$5,538 of that refund being applied to Hill City Wholesale Company's underreported 2000 business license:

Ayes: Adams, Dodson, Foster, Garber, Hutcherson 5

Noes: 0

Absent: Barksdale, Seiffert 2

// In the matter of Commissioner of the Revenue, City Council Report #4 was considered. On motion of Council Member Adams, seconded by Council Member Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-180, as presented, appropriating \$155,883 to refund overpayment of business license taxes for 2000, 2001, 2002 and 2003 to Xpedex:

Ayes: Adams, Dodson, Foster, Garber, Hutcherson 5

Noes: 0

Absent: Barksdale, Seiffert 2

// In the matter of Airport - General, City Council Report #5 was considered. On motion of Council Member Adams, seconded by Council Member Foster, Council by the following recorded vote introduced

and laid over to a later meeting for final action Resolution #R-03-181, as presented, amending the FY 2004 Airport Operating Fund Budget and appropriating \$71,442, fully reimbursable from the Transportation Security Administration, for Airport law enforcement personnel:

Ayes: Adams, Dodson, Foster, Garber, Hutcherson	5
Noes:	0
Absent: Barksdale, Seiffert	2

// In the matter of Community Planning - General, City Council Report #6 was considered. On motion of Council Member Adams, seconded by Council Member Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-182, as presented, amending the City/Federal/State Aid Projects Fund FY 2004 Budget and appropriating \$79,250, with \$39,625 from the Virginia Department of Conservation and Recreation for the Chesapeake Bay Watershed Grant, for the development of two low-impact parking areas adjacent to the proposed skate park and the N&W Depot building on the Riverfront:

Ayes: Adams, Dodson, Foster, Garber, Hutcherson	5
Noes:	0
Absent: Barksdale, Seiffert	2

// In the matter of Community Planning – General/Subdivision, City Council Report #7 was considered. On motion of Council Member Adams, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-03-183, as presented, approving a preliminary subdivision plat entitled “Bethel Park Subdivision”, off Wiggington Road, including the dedication and naming of two public streets named “Bethel Park Drive” and “Trinity Court”:

Ayes: Adams, Dodson, Foster, Garber, Hutcherson	5
Noes:	0
Absent: Barksdale, Seiffert	2

// In the matter of Community Planning – General/Subdivision, City Council Report #8 was considered. On motion of Council Member Adams, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-03-184, as presented, approving a preliminary subdivision plat entitled “Plat Showing Division of the Property of Jambo International, LLC, Jefferson Square at Wyndhurst, Phase II”, including the dedication of the proposed public street extension of Archway Court:

Ayes: Adams, Dodson, Foster, Garber, Hutcherson	5
Noes:	0
Absent: Barksdale, Seiffert	2

// City Council recognized and presented certificates to thirty-three Lynchburg residents who graduated from the City’s first Citizens Academy.

// In the matter of Academy of Music/Fine Arts Center, a public hearing was held regarding City Council Report #9 regarding amending the Fiscal Year 2004 General Fund Budget in the amount of \$1.2 million, with revenues from the undesignated Fund Balance, and with the same amount appropriated to the

Capital Projects Fund to be used to support the capital construction of the Academy of Fine Arts. City Manager Kimball Payne presented a brief overview and asked that City Council consider delaying the vote until the November 25 meeting since two Council Members are absent from tonight's meeting and approval of the Resolution requires five affirmative votes. Mr. Michael Gillette, President of the Academy of Fine Arts Board of Trustees, provided a brief history and stated that the Academy is pursuing partnerships with a number of local organizations. Five individuals spoke in support stating that the new complex would be an important gateway to downtown, would contribute to downtown revitalization, would attract people to the downtown area, and would eventually generate additional revenue for the City. One citizen, although supportive of the project, urged contact with state legislators to introduce legislation to allow local governments across Virginia the option of establishing local "neighborhood assistance programs" directed funded by real estate tax credits to support nonprofit charitable organizations. There was no one else present who wished to speak to this item. On motion of Vice Mayor Dodson, seconded by Council Member Adams, Council by the following recorded vote agreed to defer final action regarding this item until the November 25 meeting:

Ayes: Adams, Dodson, Foster, Garber, Hutcherson	5
Noes:	0
Absent: Barksdale, Seiffert	2

// In the matter of Community Planning – Community Development, a public hearing was held to receive citizen input regarding the Housing and Non-Housing Goals within the 2000-2005 Community Development Block Grant (CDBG) Consolidated Plan. Administrative and Grants Coordinator Melva Walker provided a brief overview. One citizen spoke regarding the lack of handicapped accessibility to certain public facilities. There was no one else present who wished to speak to this item. No action was required by City Council.

// In the matter of Community Planning – Community Development, a public hearing was held regarding City Council Report #11 regarding reallocating \$32,500 of FY 2002-03 HOME Program funds (2002-03 Lynchburg Homeownership project) to the following rental housing projects: Lynchburg Covenant Fellowship Rental project -- \$20,000; Rush Homes Rental Housing project -- \$8,000; and College Hill Homes project -- \$4,500. Laura Dupuy, Executive Director, Lynchburg Neighborhood Development Foundation, provided a brief overview and asked for approval. There was no one else present who wished to speak to this item. On motion of Vice Mayor Dodson, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-03-185, as presented, reallocating \$32,500 of FY 2002-03 HOME Program funds (2002-03 Lynchburg Homeownership project) to the following rental housing projects: Lynchburg Covenant Fellowship Rental project -- \$20,000; Rush Homes Rental Housing project -- \$8,000; and College Hill Homes project -- \$4,500:

Ayes: Adams, Dodson, Foster, Garber, Hutcherson	5
Noes:	0
Absent: Barksdale, Seiffert	2

// In the matter of Property, a public hearing was held regarding City Council Report #12 regarding the sale of City-owned property at 1100 Church Street to Jon Hyatt Cesafsky for \$5,000. City Manager Kimball Payne presented a brief overview of the proposal and recommended approval of the sale of the property to Mr. Cesafsky. Mr. John Hyatt Cesafsky provided an overview regarding planned use of the building following extensive renovations. There was no one else present who wished to speak to this item. On motion of Council Member Adams, seconded by Council Member Garber, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-186, as presented, approving the sale of City-owned property at 1100 Church Street to Jon Hyatt Cesafsky for \$5,000:

Ayes: Adams, Dodson, Foster, Garber, Hutcherson	5
Noes:	0
Absent: Barksdale, Seiffert	2

// In the matter of Airport - General, a public hearing was held regarding City Council Report #13 regarding authorizing the execution of two twenty (20) year leases between the City of Lynchburg and the Federal Aviation Administration (FAA) for approximately 29.6 acres of Airport property upon which the Approach Lighting System is located. Airport Manager Mark Courtney presented a brief overview regarding the proposal. There was no one else present who wished to speak to this item. On motion of Council Member Adams, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted Resolution #R-03-187, as presented, authorizing the execution of two twenty (20) year leases between the City of Lynchburg and the Federal Aviation Administration (FAA) for approximately 29.6 acres of Airport property upon which the Approach Lighting System is located:

Ayes: Adams, Dodson, Foster, Garber, Hutcherson	5
Noes:	0
Absent: Barksdale, Seiffert	2

// In the matter of Internal Audit/City Code, City Council Report #14 was considered. On motion of Vice Mayor Dodson, seconded by Council Member Adams, Council by the following recorded vote adopted Ordinance #0-03-188, as presented, amending the City Code regarding the Internal Audit Division:

Ayes: Adams, Dodson, Foster, Garber, Hutcherson	5
Noes:	0
Absent: Barksdale, Seiffert	2

// In the matter of Finance - Bonds, City Council Report #15 was considered. City Manager Kimball Payne presented a brief overview regarding the request. On motion of Vice Mayor Dodson, seconded by Council Member Garber, Council by the following recorded vote adopted Resolution #R-03-189, as presented, amending the financing agreements between the City and the Virginia Resources Authority for selected (CSO) loans from a twenty year amortization to a thirty year amortization:

Ayes: Adams, Dodson, Foster, Garber, Hutcherson	5
Noes:	0
Absent: Barksdale, Seiffert	2

// The meeting was recessed at 8:47 P.M. to November 25, at 1:00 P.M. to conduct a work session regarding several items.

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Clerk of Council